

## *Residents Along the Rail*

*Kaka'ako Neighborhood Rail Alliance*

August 14, 2010

Mr. Ted Matley  
FTA Region IX  
201 Mission Street Suite 1605  
San Francisco, CA 94105

Mr. Wayne Yoshioka  
Department of Transportation Services  
City & County of Honolulu  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Matley and Mr. Yoshioka:

SUBJECT: Honolulu High-Capacity Transit Corridor Project  
Final Environmental Impact Statement/Community Comments

I am writing to express the concerns and comments from *Residents Along the Rail* about the FEIS deficiencies expressed in our October 29, 2009 and December 21, 2009 letters to the FTA about the DEIS. The response we received stated that we did not provide written testimony within the window of time provided by the City and County of Honolulu for public comment, but the issues we stated would be addressed in the FEIS. Our major concerns have not been adequately addressed in the FEIS. We would like to know why.

Comment #1: The DEIS and now the FEIS are not compliant with the National Environmental Protection Act. The FEIS does not adequately address alternative technologies required in the Notice of Intent (NOI). The FEIS should provide the public with equal evaluations of alternate technologies. Both do not. Why, for example, have 29 of the 30 cities most recently adopting rail selected the light rail alternative? Light rail is a more cost and energy-efficient alternative. We assert the City & County of Honolulu must complete and satisfy all requirements of the Environmental Protection Act in making decisions to address long-term traffic problems and solutions.

Our concern about the FEIS' failure to comply with the law extends beyond the FEIS' failure to consider alternative technologies. Violations include the City & County Land Use Ordinance Chapter 21-9.60.3 protecting prominent makai view corridors at Maunakea Street and Nuuanu Avenue. Section 21-9.30.3 protects mauka and makai views along Ala Moana Blvd. The elevated rail system proposed by the City & County of Honolulu will cross view planes protected by City & County Ordinance. We believe the mauka-makai view corridors should continue to be protected, as they are now, by law.

Comment #2: The DEIS and now the FEIS fail to accurately characterize our Kaka'ako community. The EIS continues to grossly misrepresent our community and the number of residential units between the proposed Kaka'ako and Ala Moana stations as "predominantly commercial and industrial (Category 3), with two residential high-rises: 1133 Waimanu and Uraku Tower" (Addendum 01 to the Noise and Vibration Technical

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Report, June 1, 2010, section 4,27, page 12). In fact there are five residential high-rises adjacent to the guideway in this area: Uraku, Ko'olani, Hawai'ki Tower, 1133 Waimanu and Kamake'e Vista. There are also at least four other high-rise residential buildings in close proximity to the guideway: Moana Pacific, 1350 Ala Moana, Nauru Tower and Hokua. A new development between Ko'olani and Hawai'ki Tower will be constructed within the next two years with the 404 Piikoi development to follow.

If a technical report cannot accurately count residential buildings and households in a neighborhood, how can it accurately assess the impact on our quality of life issues such as noise and vibration? The FEIS does not accurately account for the number of residential units adjacent to the proposed guideway between the proposed Kaka'ako and Ala Moana stations. The FEIS proposes noise mitigation measures for one building, 1133 Waimanu. Beyond that the FEIS does not include a discussion of noise impact or noise mitigation measures for other buildings adjacent to the proposed guideway. We expect decisions about Oahu's traffic problems and solutions based on complete, accurate and current information.

The FEIS is noncompliant in the selected zoning of the Kaka'ako neighborhood and therefore noncompliant with noise reading limitations. We are reminding you of this violation and hold you accountable for your decision. State Transportation Director Dr. Brennon Morioka held the City & County accountable to this rule with the selection of the guideway that violated FAA airspace requirements at the Honolulu Airport and community noise standards under HAR 46-11-4.

Comment #3: Our concerns about long-term solutions to Oahu's traffic problems are based on the principle that good governance demands transparency and up-to-date information with a professional analysis of that information. At a minimum this professional review should include a detailed conclusion of benefits versus costs for each alternative technology and a rationale for the proposed technology solution of choice. Currently the citizens of Honolulu have a proposed rail system that is not based on accurate information, but is based on inappropriate political considerations.

Comment #4: *Residents Along the Rail* urges you to withhold a Record of Decision until (1) the FEIS accurately characterizes our Kaka'ako community and its zoning is corrected, (2) the elevated rail's impact on our community regarding traffic, visual, and noise intrusions be based on accurate information, (3) the FEIS seriously reviews and publishes its conclusions for alternative technologies as required in the NOI, (4) financial comparisons are prepared and published for the leading technology choices, and (5) all solutions be compliant with Federal and State laws and City & County Ordinances.

Sincerely,



Dr. James L. Schlosser

Chairperson

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Residents Along the Rail include five condominiums (Ko'olani, Hokua, Nauru Tower, 1350 Ala Moana, and 1133 Waimanu), the Kaka'ako Neighborhood Rail Alliance and Kaka'ako Business and Landowners Association.

cc: Council Chair Todd Apo  
Council Member Ann Kobayashi  
Larry Hurst  
Neil Abercrombie  
Mufi Hannemann  
Lt. Governor Duke Aiona  
Governor Linda Lingle

Attachments: Residents Along the Rail position paper  
October 29, 2009 letter to Mr. Leslie T. Rogers of the FTA  
December 21, 2009 letter to Mr. Leslie T. Rogers of the FTA

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### **Who Are We?**

We are citizens of the greater Kaka'ako area who live along the proposed Rail route and are concerned about the quality of life in our community.

### **What Is Our Objective?**

We believe that the DEIS contains serious flaws which will negatively impact our community. We are asking that these flaws be corrected so that (1) the DEIS complies with the letter and intent of the National Environmental Act and (2) essential information about our community, which is substantially wrong, should be corrected and included in any evaluation and final decisions regarding the proposed Rail Project and route.

### **Our Guiding Principles**

We believe good governance requires a process that complies with the intent of the law, considers alternative technologies and pertinent community impacts, and relative costs compared with the benefits of each alternative. Anything less simply is not good governance and cannot properly serve the best interest of our citizens.

1. As a Neighborhood Alliance, we are not for or against the concept of a suitable Rail Project for Honolulu.
2. We support the City and County of Honolulu's responsibility to plan for solutions to our long-term traffic problems.
3. The City and County of Honolulu must complete and satisfy all requirements of the Environmental Protection Act in making decisions to address long-term traffic problems.
4. Good governance demands transparency, up-to-date accurate information and a professional review of that information. At a minimum a professional, comparative review should include the following:
  - a. A review of all reasonably accessible competing technologies.
  - b. Based on verified and up-to-date information, a consideration of the impact of each alternative technology on each affected community.
  - c. A detailed conclusion of benefits versus costs for each alternative technology and a rationale for the proposed technology solution of choice.

### **Our Major Concerns**

We believe the information in the DEIS that concerns our neighborhood is incomplete and misleading, undermining the intent of the law and eventually the quality of life in our neighborhood.

1. The DEIS prepared by the City Administration is deficient and does not conform to the Notice of Intent (NOI) as written in the Federal Register.